United Nations CEDAW/C/SLB/CO/1-3/Add.1

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
10 April 2017

Original: English

Committee on the Elimination of Discrimination against Women

Concluding observations on the combined initial to third periodic reports of Solomon Islands

Addendum

Information provided by Solomon Islands in follow-up to the concluding observations*

[Date received: 12 February 2017]

Note: The present document is being circulated in English, French and Spanish only.

* The present document is being issued without formal editing.

17-05766 (E) 130417

Please recycle

I. Introduction

1. This Follow-up Report to the Committee on the Elimination of all forms of Discrimination against Women (CEDAW) is in response to recommendations made by the Committee in its Concluding Observations on 14 November 2014.

> **"The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendation contained in paragraphs 11(b), 25(b), and 33(g) and (h) above."**

2. This report addresses the adoption of the draft Federal Constitution and provisions on equality between men and women and non-discrimination; the police response to violence against women; education and young mothers; and age-appropriate education on sexual health and reproductive health.

II. The draft Federal Constitution

3. *11(b) Accelerate the process of adopting the new federal constitution and include in it provisions on equality between women and men, the prohibition of direct and indirect discrimination against women and multiple and intersecting discriminating in both the public and private spheres, and sanctions, in line with Articles 1 and 2 of the Convention and the Committee's general recommendation No. 28 on the core obligations of State parties under article 2 of the Convention.*

Response of the Government of Solomon Islands:

(a) Process for adoption of the draft Federal Constitution

4. The development of the draft federal constitution of Solomon Islands is led by the Constitutional Reform Unit (CRU) within the Office of the Prime Minister. There have been four nationwide consultations, and three consultations for Solomon Islanders in Fiji, Vanuatu and Papua New Guinea since 2004. Approximately 3,000 people including 1,620 women have been consulted since 2008. After four revisions, the current draft of the constitution is the *2nd 2014 Draft Federal Constitution of Solomon Islands*. It is projected that a final draft will be completed by June 2017, and the constitution will be ratified and adopted by 2018.

5. Options for ratification and adoption of the draft constitution will be facilitated by amendments to the 1978 Constitution. Section 61 of the 1978 Constitution of Solomon Islands provides for alternation of the Constitution, but the provision is limited to alterations of the 1978 Constitution. Facilitation of ratification and adoption of the draft federal constitution needs Constitutional amendments.

(b) Provisions on equality and non-discrimination

6. Chapter 3 of the Second 2014 Draft Federal Constitution provides for "Our Human Rights." This section has comprehensive provisions on civil, political, economic, social and cultural rights. Chapter 3 also takes into consideration principles integral to the fabric of the Solomon Islands society including customary traditions fundamental to Solomon Islands and democracy, justice and the rule of law.

7. Clause 19(1) provides *"everyone is equal before the law and has the right to equal protection and benefits of the law." Clause19 (2) provides that "equality includes the full and equal enjoyment of all rights and freedoms recognised in this Chapter or elsewhere in the law."*

8. Clause 19(3) sets out the prohibited grounds for discrimination including intersectional discrimination. Prohibited grounds of discrimination are birth, age, ethnicity, social origin, race, colour, language, religion, conscience, belief or opinion, culture, sex, pregnancy, marital status, disability, social status or economic status. 'Sex' as a prohibited ground of discrimination is not to be interpreted to include 'sexual orientation'. Solomon Islanders are not ready to concede on same sex marriage, as by extension sexual orientation connotes equal rights to marriage for persons in same sex relationships.

9. Clause 19(3) and (4) set out that no person may be discriminated directly or indirectly on any of the prohibited grounds, and Clause 19(6) provides that Government may take legislative and other measures to protect or advance equality for persons or categories of persons who are disadvantaged.

10. Clause 49 establishes a Human Rights Commission which has the functions for promotion of protection and observance of human rights, education about rights and freedoms, monitoring, investigation, making recommendation to government, receiving and investigating complaints, research, and monitoring compliance by government in every sphere.

III. Police response to complaints of violence against women

11. *25(b) Take measures to ensure that the police respond to and investigate complaints regarding violence against women and that perpetrators are prosecuted and punished, and collect data on the number of prosecutions and convictions, including at the provincial level.*

Response of the Government of Solomon Islands:

12. The Royal Solomon Islands Police Force (RSIPF) is taking active steps to address violence against women and accelerate implementation of the Family Protection Act 2014. There have trainings on the FPA Act for the police, court officers and magistrates, local courts, and service providers on the Act before its commencement.

13. Other progress made by the RSIPF includes development of policies, the establishment and strengthening of specialised units, training programs on human rights and gender, collaboration with other stakeholders including the national service providers referral system — SAFENET and non-governmental organizations, and improved data collection, management and coordination systems.

(a) Policies

14. The RSIPF has and is reviewing its policies to ensure gender equality and effective measures to address violence against women. These policies include the following:

- *Equal Opportunity (EO) Policy*: The Equal Opportunities (EO) Policy was issued in 2006 and is currently reviewed. The policy is aimed to ensure equal opportunity for all staff in training and employment, specifically to ensure equal opportunities for males and females. The policy promotes equitable treatment regardless of race, ethnicity, age, political affiliation, gender, religious beliefs or marital status.
- *Standard Operating Procedures*: The Standard Operating Procedure (SOP) guide police response to family violence cases. The SOP is for frontline police officers who take complaints from victims of family violence. The SOP is still

to be finalised in conjunction with the current review of the police standards policy. The review of the SOP will be completed in November 2016.

- The *Sexual Assault Investigation (Victim Protection) Policy* replaced the *No Drop Policy* and was issued in 2007. The policy was amended in 2010. The policy sets out that all sexual offences must be pursued with the intention of prosecution in court. The policy acknowledges that women and children are the majority victims. Sexual offence in the Policy means offences in the Penal Code under Sections 136-149 and 150-164. The policy also stipulates that reconciliation under customary law should not stop investigation with the intention of prosecution in court.

15. The policy also ensures that the victim retains control over the progress of investigations towards prosecutions. The victim retains the right to cease prosecution. Where the victim wishes to withdraw a case, there must be a report on the reasons for withdrawal of a case. While international practice has moved towards courts being the point at which cases are withdrawn, there are severe resource limitations in Solomon Islands, particularly in the courts, so the report is the means by which there is examination of reasons for withdrawal of sexual offence cases. The report for withdrawal of cases is submitted to the Director of Criminal Investigations Division (CID) to be referred to the Department of Public Prosecutions (DPP).

16. A police officer who fails to carry out their duty under the Policy to investigate or prosecute a complaint is liable for a disciplinary offence under section 34 and the *Police Act* and regulation 5 of the *Police Regulations*.

- The *Family Violence Policy* was issued in 2010 and amended in 2016. The responsible department for implementation of the Policy is the National Community Policing and Family Violence Unit. The purpose of the policy is to ensure that the police response to family violence is effective and that the protection mechanisms under the *Family Protection Act 2014 (FPA)* are understood and used to protect victims of family violence. The policy also outlines the duty of the police to take measures to prevent family violence and promote safer communities.

17. The Policy sets out that to respond to family violence, police officers can enter private premises and stop the violence, or make an arrest without a warrant. Further, the Policy sets out investigation practices including protection of victims, identifying and investigating offences, and preventing further family violence incidents. The police have a duty to inform the victims of their rights, outline procedures for or assist victims to obtain a Protection Order, and community resources and services. The Policy also provides for the steps for the police to issue Police Safety Notices, which are protection mechanisms under the FPA.

18. Police officers may also be liable for discipline if they are perpetrators of violence, fail to document family violence, fail to report violence involving another officer, or interfere with cases or intimidate or coerce victims or witnesses. It is the role of the National Family Violence Unit to collect information and produce statistical reports under the Policy.

- *The Crimes Prevention Strategy 2017-2020 and the Crime Prevention Tactical Plan 2016-2018* addresses domestic violence by working through and with communities including churches, chiefs and community committees. The plans set out actions focusing on prevention, partnership and victim support.

(b) Specialised Units

19. The RSIPF National Community Policing and Family Violence Unit and the Sexual Assault Unit operate specifically to address violence against women. Other stakeholders that work closely with the police in their investigation and with referrals are the Gender-Based Violence Crisis and Referral Centre (Seif Ples) and the SAFENET which is a referral network with six service providers.

National Community Policing and Family Violence Unit

20. The National Community Policing and Family Violence Unit carries out advocacy and prevention programmes including community awareness programmes, capacity building trainings including human rights and gender sensitisation, taking a proactive prevention approach to family violence.

21. The Unit works in the communities with chiefs, women and youth. There is a specific programme for children between the ages of seven and fourteen years old, the Police Youth Club. The programme enables boys and girls to understand good and bad cultures through activities including singing, dancing, and excursion programmes. The programme aims to build a culture of national identity and to increase understanding of law enforcement institutions and their functions. Member of the Police Youth Club visit the courts, remand cells and the correctional facilities as part of their activities to build understanding of law enforcement.

22. The Unit distributes contact details for community members to call to report family violence. The Unit refers cases to frontline officers. The Unit follows up with complainants to find out their experiences with reporting. The Unit communicates issues faced by complainants to the Police Commissioner.

23. To ensure reach to rural areas, a Monthly Mobility Patrol enables officers to carry out trainings for their counterparts in the provinces.

24. The CPU also works with the MWYCFA to carry out gender sensitisation trainings for police officers. A gender and human rights training was carried out in 2015 and there is another training scheduled for March 2017.

Sexual Assault Unit

25. The Sexual Assault Unit (SAU) was established in 2005. The mandate of the Unit is to carry out investigations on serious sexual assault reports. There is a clear delineation of incidents which can be investigated by the Unit set out in an RSIP Memorandum on 1st July, 2015.

26. Incidents which are investigated by the Unit include rape and attempted rape with more than one offender, child victim under 15 years of age, victim with mental impairment, serious violence or sexual assault with results in injuries, threat or use of a weapon, indecent assault involving child victims under 15 years of age or child with a disability, incest, buggery and indecent assaults of children under 15 years of age.

27. The Unit responds to and investigates complaints from Honiara and the Provinces. Incidents which fall outside of the criteria for the Unit must be investigated by officers or officers of the station receiving the complaint. It is also the role of the SAU staff to provide advice and guidance to officers who are investigating sexual assault incidents. On completion of investigations, the Unit refers cases to the Police Prosecutions Unit or the Office of the Director of Public Prosecutions.

28. The Unit currently has four staff, one male and three females, including the female Officer in Charge. The gender breakdown is to facilitate easier rapport with the majority female complainants of sexual offences as complainants will be relatively more comfortable to tell their story to female police officers. The Unit has plans to continue to recruit investigators to a full capacity of eight staff.

(c) Stakeholders

29. The Seif Ples Gender-Based Violence Crisis and Referral Centre is located in the vicinity of the RSIPF Headquarters at Rove, Honiara. The Centre offers first response services for victim-survivors of sexual and gender-based violence. The Centre houses a free call line to report family violence, counselling services and has links with doctors and nurses who attend to victims that go to the centre.

30. The SAFENET complements the work of the police to address violence against women. SAFENET is a referral network with six service providers including the Police. The service providers are guided by an MOU to refer cases between the service providers to ensure full and adequate response to victims of family and sexual violence. SAFENET catalysed Standard Operating Procedures (SOPs) for all referral members including the Police. Members of the SAFENET are the Ministry of Health, Christian Care Centre (safe house), the Family Support Centre (counselling) and the Public Solicitors Office (legal aid).

31. The Coordinator for SAFENET is based with the Social Welfare Division of the Ministry of Health and Medical Services and the Ministry of Women, Youth, Children and Family Affairs provides the secretarial support.

32. With Police issuing Police Safety Notices under the *Family Protection Act 2014*, there has been reports of a marked decrease in requests for NGO service providers to assist women complainants to seek protection orders in the courts.

33. The Family Support Centre reported receiving only one report since the commencement of the Family Protection Act. Prior to this, the Police had the practice of sending cases for protection orders to the Family Support Centre. This also means the Family Support Centre now re focus on strengthening community intervention for domestic violence matters and counselling.

34. The Family Support Centre is setting up committees to address gender based violence in communities. The committees are made up of 3 to 5 women who are volunteers and they undergo a three day workshop after which they develop work plans to address community gender based violence issues. The Committees are currently set up in three communities, one in Guadalcanal Province and two in Noro and Gizo in the Western Province and work closely with the Police. These committees assist to take communities for advocacy work including assisting reporting to the police and making links and referrals to other service providers such as health services. There are plans to set up two more committees in two provinces.

(d) Data

35. There is significant progress on data collection to ensure better management and coordination of files on violence against women complaints.

36. The National Community Policing and Family Violence Unit collects data on reported family violence cases from all the provinces of Solomon Islands on a monthly basis. The data collection began on the date of commencement of the *Family Protection Act* in April 2016. In total, 586 Police officers have attended training on the Act. In October 2016, a total of 714 cases of family violence have been reported to the Police. 117 Police Safety Notices have been served, 4 cases are

pending prosecution in court, 1 case was withdrawn in court and 1 case was convicted in court.

37. The Solomon Islands Government has commissioned the development of the Justice Information Management System (JIMS) to enable better management of information for the Justice Sector including the courts and the Police. This will ensure better monitoring of data on violence against women cases to ensure that there is information on cases from incident reporting to arrest and court appearance. Some features of the JIMS include dispatch of vehicles to incidents, daily dispatch reports, management of warrant information, recording and search of persons with photos and other information including criminal history and fingerprints, and court results.

38. The SAFENET supports and tracks referral cases as well. The SAFENET reported an increase in reports of family violence as well.

IV. Education and young mothers

39. *33(g) Strengthen efforts to retain girls in school, including pregnant girls, facilitate the return to school of young mothers after giving birth by adopting the policy on second-chance education currently under consideration and by providing adequate childcare facilities, and ensure that girls are not expelled from school because they are pregnant and by imposing appropriate sanctions on those responsible for such dismissal.*

Response of the Government of Solomon Islands:

(a) Review of the Education Act 1978

40. There is a current review of the *Education Act 1978*. The review is in its final stages with the outcome being the drafting of two separate Bills, a Tertiary Education and Skills Authority Bill 2016 and an Education Bill 2016.

41. The Solomon Islands Tertiary Education and Skills Authority Bill (SITESA Bill) was endorsed by Cabinet in October, and is currently before Bills and Legislative Committee. The Education Bill 2016 is at the final stages of review.

42. The SITESA Bill establishes a Tertiary Education and Skills Authority (Authority). Clause 7 (c) (ii) of the Bill sets that that a function of the Authority is to develop and implement strategies "to increase participation in, and promote fair and equitable access to, tertiary education and skills development".

43. Clause 9 (4) sets out that at least one member nominated to a panel must be a woman, and Clause 9(5) provides that at least 3 members of the governing body of the Authority must be women.

44. The Education Bill provides for early learning and primary and secondary education. This Bill will also effect the repeal of the *Education Act (Cap 69)*.

45. Clause 7 sets out guiding principles which will guide institutes for early learning and primary and secondary education. Clause 7(f) states that a guiding principle of the Bill is "to promote equal opportunity for all, including those who are disadvantaged, through economic, social, physical and mental factors, to develop their full potential. Further, Clause 7(j) provides for the promotion of rights and responsibilities, 'to create tolerant, caring and politically aware citizens who understand their rights and responsibilities.'

46. Clause 9 of the Bill establishes the Solomon Islands Education Board (Board) which functions to provide advice to the Minister or Permanent Secretary on matters

concerning early learning and primary and secondary education including sources of finance, distribution of funding, the establishment or development of learning centres and schools, and the administration or regulation of early learning and primary and secondary education. Clause 10(2) provides that at least 3 members of the Board must be women.

(b) Policies, strategic framework and planning

47. The overarching goal of the Education Strategic Framework 2016-2020 (ESF) is to consolidate the universal completion of basic education for all children by 2030 and provide extended access to quality secondary and technical and vocational education and training. One of the four key strategies (*Strategy (iii) Equity, Inclusion and Gender Equality*) set out in the Framework, focuses on emphasizing Equality, Inclusion and Gender Equality. Under this strategy, cross-sector policies and plans will be reviewed or developed to address the barriers that deprive children, youth and adults of education and quality learning. Strategies to address the barriers that exclude these groups from education includes provision of second chance/re-entry programmes. The ESF also aligns it actions to address gender equity and equality in all school level to SDG 4.

48. The National Education Action Plan 2016-2020 stems from the Education Strategic Framework 2016-2020 and sets out targets to meeting the goal of the Framework including elimination of gender disparities in education and ensuring equal access to all levels of education for girls.

49. The Solomon Islands National Disability Inclusive Education Policy 2016-2020 provides the direction and framework for better access to education and learning for students with special learning needs. This Policy is completed and ready for Cabinet endorsement.

50. The Strategic Support Unit is also taking steps to find out the causes and reasons why students leave school early. Their research and analysis will inform the development of a Second-chance Education Policy. Currently a Gender Equality in Education Policy is being at the final stages of drafting.

V. Age-appropriate education on sexual and reproductive health

51. *33(h) Continue to develop and promote age-appropriate education on sexual and reproductive health to address early pregnancies.*

Response of the Government of Solomon Islands:

(a) Plans and policy

52. The government through the Ministry of Health and Medical Services is guided by its National Health Strategic Plan and Annual Operation Plan for its programmes on sexual and reproductive health education that is age-appropriate and inclusive of information that addresses early pregnancies. The Reproductive and Child Health Division coordinates and provides oversight of these programmes.

(b) Programmes and services

53. The Reproductive and Child Health Division has several programmes which target schools on sexual and reproductive health. These target youth and children in school and outside of school between the ages of 10-25 years old. School-based programmes include Family Life Education, training for teachers and setting up of Family Life Education Information Corners. The content of the programmes include dissemination of information on contraceptives and family planning. Since 2012,

117 Home Economics and Science teachers have been trained to deliver the Family Life Education programme.

54. Two schools in Honiara have a pilot program with Family Life Education Information Corners. These Corners are set up in the schools to ensure accessibility to information on sexual and reproductive health for students.

55. There are also targeted programmes for youth who are not in school. A Manual has been developed for Community Peers Educators. The Solomon Islands Planned Parenthood Association (SIPPA) and Save the Children Australia in Solomon Islands are partners with the Ministry of Health and Medical Services in the Peer Education programme.

56. Government clinics and SIPPA Clinics have taken steps to address the specific sexual and reproductive health needs of youth and set up Youth Friendly Services.

57. Another programme to address unplanned and teenage pregnancy is the introduction of the Jadelle implant. There is no age threshold for access to the implant which is accessible to women and girls in both urban and rural areas. More than 8,000 implants have been inserted.

58. The Child Health Human Papillon Virus (HPV) Vaccination Pilot Programme targets girls from 9-12 years old.

59. The Christian Care Centre, Seif Ples Gender-Based Violence Crisis and Referral Centre, and the SAFENET also provide support for young girls.